

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

REJI SAMUEL, ATHA MOHAMMAD ABDUL,)
KESAVARAO BUNDANKAYALA, RAJU DIVAKARAN,)
BIJU PERUMPILLY GEORGE, KRISHNA GONTHINA,)
NAYAPPULLI JAYACHANDRAN, GALLA VENKATA)
RAMA KRISHNA, SAMUEL JOSE KUMRUMTHODATHIL,)
LOHITHAKSHAN MADAMPET, JOHNY MANDY MATHAI,)
BELTHAZAR PETER, MOHANAN BALAKRISHNA PILLAI,)
SANTHOSH KUMAR RAJENDRAN PILLAI, ABY)
KARICKATHARA RAJU, SUMESH)
PORAMBATHUPARAMBIL SUBRAMANIAN, and)
CHANDRAN SHAJU THANISSERY,)

Plaintiffs,

v.

SIGNAL INTERNATIONAL L.L.C., SIGNAL)
INTERNATIONAL, INC., SIGNAL INTERNATIONAL)
TEXAS, G.P., SIGNAL INTERNATIONAL TEXAS, L.P.,)
MALVERN C. BURNETT, GULF COAST IMMIGRATION)
LAW CENTER, L.L.C., LAW OFFICES OF MALVERN C.)
BURNETT, A.P.C., GLOBAL RESOURCES, INC., MICHAEL)
POL, SACHIN DEWAN, and DEWAN CONSULTANTS PVT.)
LTD. (a/k/a MEDTECH CONSULTANTS),)

Defendants.

CIVIL ACTION NO.:
1:13-cv-00323-MAC-ZJH

**PLAINTIFFS' EMERGENCY AGREED MOTION AND MEMORANDUM IN
SUPPORT OF EMERGENCY AGREED MOTION TO EXTEND DEADLINE FOR
DEPOSITION OF EXPERTS AND MOTION DEADLINE**

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Remaining Counsel Listed on Signature Page

Attorneys for Plaintiffs

Plaintiffs Reji Samuel, et al. hereby respectfully move the Court, on an emergency basis, to extend two deadlines in the current Second Amended Scheduling Order (ECF No. 121) as modified by Order of the Court on September 24, 2014 (ECF No. 139) for the reasons set forth below as authorized by Federal Rule of Civil Procedure 6(b).

I. ARGUMENTS

The Court may grant a request to extend time for good cause. Fed. R. Civ. P. 6(b)(1)(A); *see Jenkins v. Commonwealth Land Title Ins. Co.*, 95 F.3d 791, 795 (9th Cir. 1996). Plaintiffs request an extension of time for the benefit of all parties (i.e., Plaintiffs and Defendants) to complete expert depositions and to file motions, which otherwise cannot be completed before the current deadlines in the Second Amended Scheduling Order, as modified by the Court in its Order of September 24, 2014.

1. ***Allow One Plaintiff Deposition to Be Taken After the Discovery Deadline.*** The parties have worked feverishly to meet the Court's deadlines under the Court's Orders. The available plaintiffs identified for the first trial phase were deposed by the parties by the October 3rd deadline. However, one plaintiff filed a motion to dismiss his claims, and the Signal Defendants requested a replacement plaintiff for the first trial phase, Santhosh Kumar Rajendran Pillai ("Plaintiff R. Pillai). Plaintiff R. Pillai was out of the country and unable to be deposed prior to the October 3rd deadline. Plaintiff R. Pillai was able to appear for a deposition October 11 and 12, however the Signal Defendants' translator was unavailable. The parties are currently trying to schedule dates that counsel, translator and Plaintiff R. Pillai are all available.

2. ***Deposition of Saket Soni.*** As discussed, most of the fact witness depositions for this first trial phase were conducted within the proposed discovery deadline. The deposition of third-party fact witness, Saket Soni, was initially scheduled for October 7-8, 2014. Unfortunately, however, due to unavailability of the witness, Mr. Soni's deposition had

to be rescheduled to October 27-28, 2014. The parties jointly request the Court's permission to conduct this deposition although it is outside the deadline. The parties' participation in Mr. Soni's deposition is not intended to further amend the deadlines for any other purposes.

3. ***Extend to October 17, 2014 the deadline for expert depositions.*** As the Court is aware, there are several experts common to the *Joseph* and *Samuel* cases in this judicial district, as well as the *David* and related cases in the Eastern District of Louisiana. The lawyers in these cases have been cooperating to schedule many expert depositions around the world. Although several expert depositions have already been taken by the parties, there are a few more scheduled, but yet to be taken. The remaining experts in these cases will be deposed by October 10, 2014, with the exception of Signal's expert Virginia Miles, which the parties will endeavor to depose by October 17th. As a result, the parties jointly pray for a modest extension of the expert deposition deadline to October 17th to allow time for the completion of the remaining expert depositions. Notably, this request for an extension is not intended to apply to all discovery, only with respect to the remaining expert depositions to be taken in this case.

4. ***Move the Motion Cut-Off in Samuel to October 31, 2014.*** The current *Samuel* Motion cut-off is October 17, 2014 (ECF No. 139). We anticipate that the parties will have a number of *Daubert* and/or dispositive motions. However, it will be very difficult for the parties to meet the current motion deadline because there are still expert depositions scheduled in mid-October that are critical to the *Samuel* and related cases. Moreover, because discovery for the first trial phase is nearing completion, the parties agree that no further extensions of deadlines for depositions or motions will be sought or necessary. As such, the parties jointly request a final two-week extension of date for the motion cut-off to October 31, 2014.

5. Plaintiffs' request to extend time is certainly for good cause. It is neither intended to delay these proceedings nor to prejudice the parties. *See* Fed. R. Civ. P. 6(b)(1)(A).

Moreover, the extension, if granted, would not and is not intended to affect or extend any other deadlines in the Second Amended Scheduling Order, as modified by the Court's Order of September 24, 2014, or the current trial readiness date of March 6, 2015.

II. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully ask the Court to extend for two weeks the parties' current deadlines for expert witness depositions and motion cut-off in the Second Amended Scheduling Order as modified by the Court's Order of September 24, 2014 -- i.e., to October 17th and October 31st, respectively.

CERTIFICATE OF CONFERENCE

I hereby certify that on October 7-8, 2014, I conferred via telephone and/or e-mail with counsel of record for Defendants Signal International LLC, Signal International Inc., Signal International Texas, G.P., Signal International Texas L.P., Malvern C. Burnett, Gulf Coast Immigration Law Center L.L.C., the Law Offices for Malvern C. Burnett, A.P.C., Sachin Dewan, and Dewan Consultants PVT., Ltd, and the Motion is unopposed.

/s/ Heather L. Heindel
Heather L. Heindel

DATED: October 8, 2014.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 8, 2014 a true and correct copy of the following documents:

- 1. PLAINTIFFS' EMERGENCY AGREED MOTION AND MEMORANDUM IN SUPPORT OF EMERGENCY AGREED MOTION TO EXTEND DEADLINE FOR DEPOSITION OF EXPERTS AND MOTION DEADLINE; and**
- 2. PROPOSED ORDER,**

were filed electronically with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filings to all attorneys of record.

I FURTHER CERTIFY that U.S. Mail sent to the address of record for Global Resources, Inc. has been returned undeliverable, therefore I am unable to serve a copy of these pleadings on Global Resources, Inc. The last known address of Global Resources, Inc. is:

Global Resources, Inc.
c/o Michael Pol
13 Herring Road
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